

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
TUESDAY- -APRIL 4, 2006- -7:30 P.M.

Mayor Johnson convened the Regular Meeting at 7:53 p.m.

Roll Call - Present: Councilmembers Daysog, deHaan, Gilmore, Matarrese, and Mayor Johnson - 5.  
[Note: Councilmember Daysog arrived at 9:36 p.m.]

Absent: None.

AGENDA CHANGES

(06-165) Mayor Johnson announced that the recommendation to release Request for Proposals for Thin Client Public Access System [paragraph no. 06-169] and the recommendation to release Request for Proposals for equipment, software, and services for a computer laboratory [paragraph no. 06-170] would be addressed with the Library project update [paragraph no. 06-168]

PROCLAMATIONS, SPECIAL ORDERS OF THE DAY AND ANNOUNCEMENTS

(06-166) Proclamation declaring April 2 through 8, 2006 as Boys and Girls Club Week in Alameda.

Mayor Johnson read and presented the Proclamation to George Phillips, Executive Director, Dan Nguyen, Program Director, and Tom Sullivan, President of the Board of Directors.

Mr. Phillips thanked the Council for the proclamation; stated General Colin Powell attended a groundbreaking ceremony; the first round has been completed for teen participation in the Be A Responsible Teen (BART) Program.

(06-167) Proclamation declaring April 4, 2006 as "Video Station" Owners Appreciation Day.

Mayor Johnson read and presented the Proclamation to Ken and Peggie Dorrance, Video Station owners.

Mr. Dorrance thanked the Council for the Proclamation; presented the Council with hats and candy.

(06-168) Library project update.

The Project Manager provided a brief update.

Councilmember deHaan inquired how close the parking spaces need to be to the Library site, to which the Project Manager responded 400 feet.

Councilmember Matarrese inquired whether the adjacent property [Gim's] owner could be asked to stabilize the building or at least get the building painted.

The Project Manager responded that he plans to speak to the property owner; stated the building is leaning towards the back.

Councilmember Matarrese stated that people concerned with the historical aspect of the building should be involved; the development has the potential to be attractive all the way up to Park Street.

Mayor Johnson stated that Alameda Architectural Preservation Society (AAPS) should be involved; they [Gim's owner] submitted plans to the Historical Advisory Board in January.

The Project Manager stated development plans for the property have been submitted.

Councilmember Matarrese stated that everything should be done to make the site look good.

The Project Manager stated that he would contact the property owner before his next presentation to Council.

#### CONSENT CALENDAR

(06-169) Recommendation to release Request for Proposals for Thin Client Public Access System for the Alameda Free Library.

(06-170) Recommendation to release Request for Proposals for equipment, software, and services for a computer laboratory for the Alameda Free Library.

The Project Manager provided a brief presentation.

Vice Mayor Gilmore inquired whether the computers would be leased or purchased, to which the Project Manager responded that the computers would be purchased.

Vice Mayor Gilmore stated that technology changes rapidly; inquired whether leasing would be more cost-effective.

The Project Manager responded that the matter would be reviewed and

staff would report back to Council next month.

Vice Mayor Gilmore inquired whether the review would affect the project's timeline, to which the Project Manager responded in the affirmative.

The City Manager stated that she discussed the matter with the Finance Director; leasing may not be cost-effective; a computer equipment replacement fund is being considered for the up-coming budget and would cover replacements every three years.

Councilmember Matarrese inquired whether the grand opening hinged on having the computers in place, to which the Project Manager responded in the negative.

Councilmember Matarrese stated that the matter could be brought back to the Council.

Councilmember deHaan inquired whether the computers are scattered throughout the building, to which the Project Manager responded in the affirmative.

Councilmember deHaan inquired whether the computers are a standard model, to which the Project Manager responded in the affirmative.

Councilmember deHaan inquired whether the City partners with a large computer company.

The Finance Director responded the City does not partner, but that COMPAQ computers are exclusively purchased for replacement part standardization and to allow the City to purchase at a bulk rate; mass purchasing is usually done through the State Department of General Services.

Councilmember deHaan inquired whether costs are similar to educational pricing, to which the Finance Director responded in the affirmative.

Mayor Johnson stated the Requests for Proposals should move forward if a cost comparison has already been reviewed; inquired whether a separate maintenance agreement would need to be purchased if the computers are leased.

The Finance Director responded a 90-day warranty would be issued on leased equipment.

Councilmember deHaan inquired whether the 68 computers are the full compliment.

The Project Manager responded in the affirmative; stated a Request for Proposal would be presented to Council in May for the move.

Mayor Johnson inquired whether old computers would be moved to the new Main Library, to which the Project Manager responded 16 computers would be moved from the Interim Library.

Councilmember deHaan moved approval of the staff recommendations.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 4. [Absent: Councilmember Daysog - 1.]

#### CONSENT CALENDAR

Councilmember Matarrese moved approval of the balance of the Consent Calendar.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 4. [Absent: Councilmember Daysog - 1.]

[Items so enacted or adopted are indicated by an asterisk preceding the paragraph number.]

(\*06-171) Minutes of the Special and Regular City Council Meetings held on March 21, 2006. Approved.

(\*06-172) Ratified bills in the amount of \$3,676,785.42.

(\*06-173) Recommendation to accept the Interstate 880/Broadway-Jackson Interchange Feasibility Study. Accepted.

(\*06-174) Recommendation to accept the work of SpenCon Construction, Inc. for the Fiscal Year 2005-2006 repair of concrete sidewalks, No. P.W. 07-05-06. Accepted.

(\*06-175) Recommendation to authorize the City of Alameda's continued participation in the Alameda County Lead Poisoning Prevention Program for Fiscal Year 2007-2010. Accepted.

#### REGULAR AGENDA ITEMS

(06-176) Resolution No. 13938, "Appointing Arthur A. Autorino as a Member of the Economic Development Commission." Adopted; and

(06-176A) Resolution No. 13939, "Appointing Irene Balde as a Member of the Housing Commission." Adopted.

Councilmember Matarrese moved adoption of the resolutions.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 4. [Absent: Councilmember Daysog - 1.]

The City Clerk administered the Oath and presented certificates of appointment to Mr. Autorino and Ms. Balde.

(06-177) Ordinance No. 2948, "Reclassifying and Rezoning Certain Property Within the City of Alameda by Amending Zoning Ordinance No. 1277, N.S., from R-4 (Neighborhood Residential) Zoning District to R-4-PD (Neighborhood Residential Planned Development) Zoning District for that Property Located at 1810 and 1812 Clinton Avenue." Finally passed.

Councilmember deHaan moved final passage of the Ordinance.

Councilmember Matarrese seconded the motion, which carried by unanimous voice vote - 4. [Absent: Councilmember Daysog - 1.]

(06-178) Public Hearing to consider an appeal of the Planning Board's failed motion regarding Final Development Plan FDP05-003, Major Design Review DR05-0127, and Tentative Parcel Map TM05-003 for three new commercial buildings. The property is located at 2201 Harbor Bay Parkway. Applicant: Venture Corporation;

(06-178A) Resolution No. 13940, "Upholding the Appeal by Venture Corporation for Development of Three New Commercial Buildings." Adopted; and

(06-178B) Resolution No. 13941, "Approving Final Development Plan FDP05-003, Major Design Review DR05-0127, and Tentative Parcel Map TM05-003 with comment to work with the Planning Director on the activity-based treatment of the green space between the walking path and parking lot." Adopted.

The Planning Director provided a Power Point presentation.

Councilmember deHaan inquired whether the trees would be smaller to provide a view.

The Planning Director responded that some existing trees would remain; smaller accent trees would be used in the parking area; the trees are arranged to ensure views; staff is working with Venture Corporation on the final landscape plan.

Councilmember deHaan inquired whether Venture Corporation anticipates any future condominium development after Phase 2.

Robert Eves, President of Venture Corporation, responded in the negative; stated Phase 1 is completed and sold out; Phase 2 would provide 24 office spaces; Venture Corporation does not own any more land.

Councilmember deHaan inquired whether the same architectural design was reviewed for both projects, to which Mr. Eves responded in the affirmative.

Councilmember deHaan stated that he was not thrilled with having the buildings look identical.

Mr. Eves stated that the buildings are not identical; Phase 2 color treatments are more upscale and have more architectural texture; the buildings are designed to maximize the views.

Councilmember deHaan inquired whether there would be access concerns if the buildings were moved forward.

Mr. Eves responded alternative plans have been studied; Phase 2 occupants could lose views all together; at least half of Phase 1 occupants could have views blocked.

Mayor Johnson inquired whether the other speakers wished to speak at this time.

Mr. Eves stated a presentation was planned, but the Planning Director's presentation was done very well; Venture Corporation representatives were present to answer any questions.

Councilmember deHaan stated that the positioning of the buildings has been developed to maximize all tenants' views.

Mr. Eves concurred with Councilmember deHaan.

Vice Mayor Gilmore stated she did not get a sense that the Planning Board overwhelmingly liked the alternative solutions presented by Venture Corporation the second time; requested Mr. Eves to comment.

Mr. Eves stated that the Planning Board did not like any of the alternatives; the consensus was that the design presented was the best design; two Planning Board members felt the design should be changed but were unable to provide any ideas for change; one Planning Board member did not feel that the design was consistent with her personal goals.

Mayor Johnson stated that she appreciates the Planning Board's

consideration of the project; she prefers that the buildings are set back from the waterfront so that the trees and berm are visible; the open space feeling is more consistent with the way the business park was planned.

Mr. Eves stated that Alameda is a water-oriented community; every Phase 1 property owner has a view; Phase 2 owners would also have views.

Mayor Johnson stated the plan maximizes the views from the buildings and also creates an open-space feeling; the designs are nice.

Councilmember Matarrese stated the buildings all have good views; buildings cannot be moved without compromising someone's view; some of the green space that comprises the swale and the berm could help contribute to the maximized use of the waterfront; a public area would provide three picnic tables; suggested placing more picnic tables along the front strip to provide people activity in the green space; stated commercial condominiums are important to the City and allow ten small owners to own space instead of just lease.

Mayor Johnson concurred with Councilmember Matarrese; stated a small business cannot own business property in Alameda unless housing stock is converted.

Vice Mayor Gilmore stated if the buildings were moved up to the property line, tonight's discussion could be addressing how to screen the buildings from the view of people walking by; an effort has been made to site the buildings appropriately and maximize the views; she likes the design.

Councilmember deHaan stated that the layout maximizes the views; he would prefer to see a change in the façade from one vista to another; he would like to see more design; the buildings look like lined up boxes; he would like to see some brick treatment.

Mr. Eves stated the project is the 34<sup>th</sup> Venture Corporation Center; projects have been immensely well received; the buildings move forward and back with the goal of clearly distinguishing different companies; the desire is to give the buildings a corporate feel while providing individuality.

Councilmember deHaan stated that more design could have been given to the building facing the street.

Mr. Eves noted that architecture is the most subjective of all art forms.

Councilmember Matarrese moved adoption of the Resolutions with comment to work with the Planning Director on the activity-based treatment of the green space between the walking path and parking lot.

The Planning Director stated that the landscape plan would come back to her for approval.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 4. [Absent: Councilmember Daysog - 1.]

(06-179) Recommendation to award Contract in the amount of \$1,246,200.00 to East Bay Construction Company, Inc. for the construction of the 4-acre Bayport Park.

The Redevelopment Manager provided a brief presentation.

Councilmember Matarrese stated that the staff report indicates that the clarifications are non-substantive; requested a review of the issues.

The Redevelopment Manager responded four issues were raised: 1) bid pricing was not provided in both words and figures, 2) sub-contractors were not listed for each portion of the work, 3) the supplier was not listed for the restroom, and 4) Disadvantage Business Enterprise status was not provided.

Wayne Tolman, Goodland Landscape Construction, submitted a handout; reviewed the issues for the bid protest.

Tom Wortham, Goodland Landscape Construction owner, outlined the irregularities in the bid documents submitted by East Bay Construction.

In response to Mayor Johnson's request for clarification of the bid protest issues, the City Attorney stated that a review of the issues indicate the four bidding defects amount to bidding irregularities and do not create an unfair advantage; stated Alameda is a Charter City and is not covered by the Public Contract Code.

Councilmember deHaan inquired whether the additional information provided tonight could be a concern.

The City Attorney responded the bid amount did not change; the substance of the bid document is correct.



The Redevelopment Manager stated that the word "altered" is not correct; a clarification was submitted for the sub-contractor omissions.

Vice Mayor Gilmore inquired whether the list of sub-contractors changed after the bid opening, to which the Redevelopment Manager responded in the negative.

Councilmember Matarrese stated that he is concerned with the contractor's ability to put the necessary attention into the detail of the project.

Mayor Johnson stated that the matter is a legal issue.

Councilmember Matarrese stated contractors might bid higher if the City has a bad reputation.

Mayor Johnson stated contractors might not bid at all; she is uncomfortable with rejecting bids if the bidding process complies with all legal requirements; everyone's numbers have been exposed.

Councilmember deHaan inquired whether the Redevelopment Manager would like to review any legal aspects and how a delay would affect the schedule.

The Redevelopment Manager responded the schedule is tight; substantial completion is anticipated by the end of July.

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The City Council addressed other agenda items and resumed discussion in the middle of the Report on AC Transit [paragraph no. 06-187].

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The City Attorney announced that the staff recommendation would be changed to reject all bids.

Councilmember Matarrese moved approval of the revised staff recommendation to reject all bids and requested that the bidding process be expedited.

Councilmember deHaan seconded the motion, which carried by unanimous voice vote - 5.

Councilmember Daysog inquired what are the reasons for rejecting the bids.

The City Attorney stated that attempts were unsuccessful to

corroborate the bidding process information with East Bay Construction.

(06-180) Resolution No. 13942, "Maintaining the City of Alameda's Authority in Negotiating Franchise Agreements for Telecommunications Services and Adopting the Principles for Federal Consideration of a New Telecommunications Regulatory Framework." Adopted.

The Finance Director stated the League of California Cities has taken the initiative to outline guiding principles which are intended to provide local agencies and elected Federal and State representatives with guidelines for any amendments to the existing Telecommunication Regulatory Act; Alameda is interested in retaining the rights-of-way control, customer service, and revenue control.

Mayor Johnson stated that the issue is nation wide.

Councilmember Matarrese stated that adopting the Resolution would hold off bad federal policy.

Councilmember Matarrese moved adoption of the Resolution.

Vice Mayor Gilmore seconded the motion, which carried by unanimous voice vote - 5.

#### ORAL COMMUNICATIONS, NON-AGENDA

(06-181) Dorothy Reid, Willows Home Owners Association, stated the new Target plans are upsetting; the scale needs to be modified; urged the Council to meet with Target executives; stated a 70,000 square-foot store would work for Target.

(06-182) Robert Matz, Alameda, stated other revenue raising options are available; Alameda does not need a 100-foot tall Target next to the beach; the City should learn a lesson from the Neptune Beach area; urged the Council to think outside the box.

(06-183) Ani Dimusheva, Alameda, inquired whether the new appeal fee policy would encourage frivolous denials on behalf of the Planning Board; stated a bill was forwarded to a collection agency before any explanation was given; the Planning Director claimed that the fees were justified because a form was signed; she never signed the form.

Mayor Johnson stated the Council discussed the matter in Closed Session; direction was given to the City Manager and Planning

Director; a meeting could be scheduled to discuss the matter.

Ms. Dimusheva inquired whether the invoice would be taken out of collection until the matter is resolved.

Mayor Johnson responded that the matter could be discussed with the City Manager.

(06-184) Valerie Ruma, Alameda, submitted her comments; stated that the [appeal fee] charges are unwarranted because the charges were not identified prior to filing the appeal; the charges are a hindrance to the democratic process; urged the Council to rescind the fees and change the appeal fee resolution.

(06-185) Patrick Lynch, Alameda, requested that his appeal fees be returned; stated the City entered into a landscape maintenance agreement with the property owner adjacent to his property; the agreement requires the property owner to maintain the property in a weed-free condition; the property owner has not complied.

#### COUNCIL COMMUNICATIONS

(06-186) Consideration of Mayor's nomination for appointment to the Film Commission. **Continued to April 18, 2006.**

Vice Mayor Gilmore inquired whether applications are still being accepted.

The City Clerk responded that applications are always accepted; applicants are advised that applications submitted after the deadline might not be considered.

Mayor Johnson stated the interest level is very high.

Vice-Mayor Gilmore stated applicants' experience is mind-boggling.

(06-187) Report on AC Transit Inter-agency Liaison Committee meeting and discussion of AC Transit's use of the High Street Bridge.

Councilmember Matarrese stated deadhead buses are using the High Street Bridge to bring empty buses to the AC Transit yard or San Francisco; the deadhead buses make a loud noise when crossing the [High Street Bridge] span; the situation was brought to AC Transit's attention at the March 22 Inter-agency Liaison Committee meeting; AC Transit made a trip to see if additional time would be required to run the buses back to the yard from the end of the line on Bayfarm Island over to Doolittle Drive or back to San Francisco

over the Miller Sweeney Bridge; AC Transit estimated the cost would be an additional \$20,000 per year; Line 63's continued service to Alameda Point was discussed; Alameda residents requested Line 63 not be cut, particularly from the Homeless Collaborative; the need for a bus shelter was also addressed; Line 51's bus bunching needs to be revisited; route changes may be contemplated for Line 51; electric bus information was provided; Ecopass discounts would not be an option for the City; another option is being considered; the deadhead buses exceed the 3 ton limit; the reason for the 3 ton limit is unknown; recommended that the Council give direction to do something about the noise problem.

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The Council interrupted the discussion to address the recommendation to award contract to east Bay Construction [paragraph no. 06-179].

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Dave Needle, Alameda, stated that AC Transit's measurements have a significant flaw; 37 buses cross the High Street Bridge daily; AC Transit disagrees that moving the bus route to Hegenberger was less expensive; AC Transit shows a 1 minute to 4 minute time difference in trip time; \$12,000 of the estimated \$19,000 cost is wrong; recommended that the Council request AC Transit to try new routes for a month.

Ed Payne, Alameda, stated the High Street Bridge was built in 1937 for lightweight traffic; shockwaves are felt when the buses cross the span; the routes are two minutes shorter by going to Hegenberger and Doolittle Drive.

Ron Valentine, Alameda, stated the 3 ton limit is posted at both ends of the Bridge; buses are not the only vehicles causing the noise; recommended that the buses use commercial streets instead of residential streets; requested Council to urge AC Transit to try the alternate route.

Mayor Johnson clarified that in-service bus routes are not being discussed only empty buses.

Councilmember Matarrese directed the City Manager to request AC Transit to try re-routing for a month.

(06-188) Councilmember Matarrese requested that a meeting be scheduled with the Transportation Commission to discuss the Transportation Master Plan among other issues; traffic management is the big issue; he would like the conclusions that were discussed at a November [Transportation Commission] meeting addressed sooner

rather than later.

(06-189) Councilmember Matarrese stated that he would like to make a personal statement regarding the recent article in the Alameda Journal; he does not condone that type of behavior; he is sorry for any distress caused to Ms. Overfield or her family; he regrets any undue burden that has been placed on the Council or staff regarding the issue; thanked the people that have supported him.

(06-190) Councilmember deHaan stated that he visited the Grand Street Bridge with the City Manager and noticed major deterioration; the cement barrier has deteriorated and fallen into the lagoon; the overall integrity of the bridge is questionable.

(06-191) Councilmember deHaan stated that he is concerned that the Commission term limits are not governed by the City Charter; requested a discussion on how to limit terms to eight years when filling partial terms.

Mayor Johnson stated she sees a problem with having differing term limit rules.

(06-192) Vice Mayor Gilmore stated that Public Works has a crack sealing and street resurfacing schedule; the upper portion of Grand Street between Central Avenue and Lincoln Avenue is starting to show age; requested Public Works to review the matter.

Councilmember deHaan stated there was a lot of activity the last time the matter was discussed; the rain has caused a delay in current activity.

(06-193) Mayor Johnson stated she received an e-mail regarding an accident or stalled vehicle in the tube; the number one priority is getting the obstacle cleared; requested that the police protocol be reviewed.

The City Manager stated that the Acting Police Chief has responded to the e-mail; the issue is getting a tow truck to the site.

Vice Mayor Gilmore stated that she was caught in the delay; she saw the tow truck trying to get through; traffic backs up if there is a stall in the tube.

Mayor Johnson stated the tow truck should come from Oakland.

Councilmember deHaan stated Caltrans had prepositioned a tow truck for clearing in the past; suggested reviewing the matter.

Mayor Johnson stated the tube services two-thirds of the Island; signage should be provided regarding problems; protocol is needed.

(06-194) Mayor Johnson stated she spoke with the Assistant City Attorney regarding the bid protest process; suggested formalizing the process.

#### ADJOURNMENT

There being no further business, Mayor Johnson adjourned the Regular Meeting at 10:34 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.

MINUTES OF THE SPECIAL CITY COUNCIL MEETING  
TUESDAY- -APRIL 4, 2006- -5:20 P.M.

Mayor Johnson convened the Special Meeting at 5:30 p.m.

Roll Call - Present: Councilmembers deHaan, Gilmore, Matarrese, and Mayor Johnson - 4.

Absent: Councilmember Daysog - 1.

The Special Meeting was adjourned to Closed Session to consider:

(06-159) Conference with Labor Negotiators; Agency Negotiators: Craig Jory and Human Resources Director; Employee Organizations: Alameda City Employees Association, International Brotherhood of Electrical Workers, and Management and Confidential Employees Association.

(06-160) Conference with Labor Negotiators; Agency Negotiators: Lisa Mills; Employee: City Manager.

(06-161) Conference with Real Property Negotiator; Property: 1041 W. Midway and Various Easements in Alameda, California; Negotiating parties: City of Alameda and Alameda Power and Telecom; Under negotiation: Price and terms.

(06-162) Conference with Real Property Negotiator; Property: Ballena Isle Marina; Negotiating parties: City of Alameda and Ballena Isle Marina LLP; Under negotiation: Price and terms.

(06-163) Conference with Legal Counsel - Existing Litigation - Name of case: Alameda Belt Line v. City of Alameda, Alameda Belt Line v. City of Alameda, City of Alameda v. Alameda Belt Line.

(06-164) Conference with Legal Counsel - Existing Litigation; Name of case; Citizens for a Megaplex-Free Alameda v. City of Alameda, Community Improvement Commission, Planning Board, and City Council.

Following the Closed Session, the Special Council meeting was reconvened and Mayor Johnson announced that regarding Alameda City Employees Association, International Brotherhood of Electrical Workers, and Management and Confidential Employees Association, the Council obtained briefing from labor negotiators; regarding the City Manager, the Council gave direction; regarding 1041 W. Midway, the Council obtained briefing; regarding Ballena Isle Marina, the Council obtained briefing and gave directions; regarding Alameda Belt Line v. City of Alameda, the Council obtained briefing by the

City Attorney; regarding Citizens for a Megaplex-Free Alameda v. City of Alameda, Community Improvement Commission, Planning Board, and City Council, the Council obtained briefing.

Adjournment

There being no further business, Mayor Johnson adjourned the Special Meeting at 7:40 p.m.

Respectfully submitted,

Lara Weisiger  
City Clerk

The agenda for this meeting was posted in accordance with the Brown Act.